UNITED STATE DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

NOEL DAY, et al.))
Plaintiffs,)))
vs.) Case No. 4:08CV1888 ERW
ROBINWOOD WEST COMMUNITY IMPROVEMENT DISTRICT,	
Defendant	

PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND EXPENSES

Come now Plaintiffs, pursuant to Federal Rules of Civil Procedure R. 54 and E.D.Mo. L.R. 8.02, and move this Court for an award of attorneys' fees and expenses. In support, Plaintiffs state:

- 1. Plaintiffs brought this action under 42 U.S.C. § 1983 to challenge the violation of their constitutional rights by Defendant, a government entity.
- On December 10, 2009, this Court entered final judgment in favor of Plaintiffs.
 (Doc. # 66).
- 3. As explained in the accompanying memorandum in support of this motion, which is incorporated herein by reference, Plaintiffs are prevailing parties and entitled to an award of attorneys' fees and expenses pursuant to 42 U.S.C. § 1988.
- 4. As documented in the accompanying memorandum and affidavits attached thereto, which are incorporated herein by reference, the appropriate lodestar amount for attorneys' fees in this case is Plaintiffs' attorneys' fees in this case is \$28,167.50. In

addition, expenses of \$1,208.10 not compensated for by Plaintiffs' Bill of Costs should be awarded.

WHEREFORE Plaintiffs move this Court for entry of award of attorneys' fees of \$28,167.50 and expenses of \$1,208.10, as well as such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Anthony E. Rothert

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COUNSEL FOR PLAINTIFFS

Certificate of Service

I certify that a copy of the forgoing was filed electronically with the Clerk and delivered by operation of the CM/ECF system to all counsel of record on the 21st day of January, 2010.

/s/ Anthony E. Rothert